PART II.
PAGES 13 TO 16.

New-York Tribune.

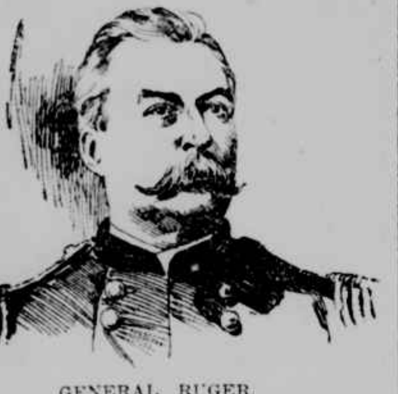
SATURDAY, OCTOBER 5, 1895.

A WELCOME FOR GEN. RUGER

THE NEW COMMANDER OF THE EASTERN DEPARTMENT AT HIS POST.

RECEIVED WITH CUSTOMARY HONORS AT GOVERNOR'S ISLAND—HIS BRILLIANT CAREER—GENERAL MILES TO GO TO WASHINGTON TO-MORROW.

Major-General Thomas Howard Ruger, General Miles's successor in the command of the Department of the East, arrived at Governor's Island yesterday morning. He reached New-York on Thursday evening from Washington, where he had been engaged for some time in revising the tactics. Overnight he stayed at the Everett House. Yesterday morning General Ruger, in the full dress of his rank, was escorted



GENERAL RUGER.
(By Permission of Harper & Bros.)

from the hotel to the Battery landing pier by Captain F. Michler, aide-de-camp to General Miles. The ordnance cutter Atlantic, with the Assistant Adjutant-General, Colonel W. J. Volkmar, on board, was waiting in readiness to convey the new commandant to the island, where he arrived at 10 o'clock.

Companies B, D and F, of the 13th Infantry, now stationed on the island, were drawn up in double column to receive the new chief of the Eastern Department, and as he stepped ashore the regimental band, under the direction of the bandmaster, Otto Preeson, struck up "Hail to the Chief." General Miles and the departmental and post officers, all attired in full regimentals, forming an exceedingly picturesque group against the background of the dark blue uniforms of the soldiers, were also in waiting to receive the General. General Miles was the first to step forward to grasp him by the hand and bid him welcome. The attendant officers were then introduced, and in turn cordially greeted General Ruger. In addition to Lieutenant-Colonel W. J. Volkmar and Captain Michler, the Departmental officers present were Colonel Samuel Breck, adjutant-general; Lieutenant-Colonel T. F. Barr, judge-advocate-general; Colonel J. W. Barriger, Colonel C. C. Byrne, medical director; Captain J. Allen, chief signal officer, and Lieutenant-Colonel A. C. N. Pennington, 4th Artillery. The post officers presented to the General were Lieutenant-Colonel W. S. Worth, 13th Infantry; Captain James Fornance, 13th Infantry; Major Van R. Hoff, post surgeon; Captain W. H. Arthur, assistant post surgeon; Lieutenant M. B. Saffold, 13th Infantry; Lieutenant J. L. Donovan 17th Infantry, and Lieutenant Leroy S. Upton, 21st Infantry. Colonel William C. Church, Editor of "The Army and Navy Journal," was also in attendance.

The ceremonies ended with a salute of thirteen guns, and afterward General Ruger, in company with General Miles and the officers, proceeded to headquarters, where they were photographed in groups.

At noon Mrs. Miles gave a farewell reception and afterward entertained at luncheon the officers of the garrison and their wives. General Miles will leave here for Washington to take up his new duties of commander of the Army to-morrow morning.

General Ruger is a native of New-York State, having been born at Lima, Livingston County, on April 2, 1833. He was graduated number three in the class of 1854 at the United States Military Academy. After his graduation, General Ruger served for a few months in the Engineer Corps of the Army, and then resigned to engage in the practice of the law at Janesville, Wis. Offering his services to the country upon the outbreak of the war, he was in June, 1861, appointed lieutenant-colonel of the 3d Wisconsin Infantry. The following September he was promoted to the colonelcy of the regiment, and in November, 1862, he received the appointment of brigadier-general of volunteers.

When the regular army was reorganized after the war, General Ruger was appointed colonel of the 33d Infantry, and subsequently commanded the 18th Infantry until March 19, 1886, when he was made a brigadier-general of the Army.

As colonel of volunteers he saw service in the Shenandoah Valley and in the northern Virginia and Maryland campaigns, being engaged at Cedar Mountain and Antietam. As brigadier-general of volunteers he commanded a brigade in the Rappahannock campaign, taking part in the battle of Chancellorsville, and being advanced to the command of the First Division, Twelfth Army Corps, on the battle-field of Gettysburg, where he won a brevet of brigadier-general in the regular army for "gallant and meritorious services."

After Gettysburg, General Ruger was ordered to New-York City to aid in suppressing the draft riots of that year. He was next assigned to duty with the army of General Sherman, where he took part in numerous battles of the Atlanta campaign.

When Hood sought to carry the war into the enemy's country by his disastrous march to the North, after the fall of Atlanta, General Ruger, with his division of the Twenty-third Corps, was attached to the command of General Schofield, which met and defeated General Hood at Franklin. It was at Franklin that Ruger gained his brevet of major-general of volunteers, carrying with it what is to the soldier one of the highest of honors, the recognition of "gallant and meritorious service" on the field of battle.

He was also in the various engagements that resulted in the final surrender of Johnston's army on April 25, 1865, and during the period of reconstruction which followed he served as provisional Governor of Georgia. From 1871 to 1876 he was superintendent of the Military Academy. He has since then commanded in succession the departments of the South, of Missouri, of Dakota and of California. He was promoted to be major-general in the early part of this year.

TO BEAUTIFY ITS SURROUNDINGS.

PRESIDENT KING AND COMMISSIONER BROOKFIELD FAVOR THE WIDENING OF THE APPROACHES TO GRANT MONUMENT.

The Board of Street Opening held a meeting yesterday in the Mayor's office and considered the proposed widening of the approaches to the Grant monument at the northern terminus of Riverside Drive.

A report was presented from the committee, composed of the president of the Park Board, King, and Commissioner Brookfield, of the Public Works Department, favoring the widening of One-hundred-and-twenty-second-st. by forty feet. The street is now sixty feet wide. The committee recommended that a plot of ground be taken to form a plaza fronting in Riverside Drive at the point where the monument is situated. The proposed plaza is to be bounded by One-hundred-and-twenty-second-st., Clairmont-ave. and Clairmont Place. The committee said that the addition of this plaza would give the vehicles a place to stand while their owners examined the monument. F. A. Thayer said that it would be a good idea to place Morningside Park and the monument in direct communication by taking the land that lay between. This suggestion was referred back to the committee and formal action on the report of the committee was deferred until the next meeting.

Controller Fitch reported against Commissioner Haffen's proposed viaduct to serve as an approach to the Grant Concourse. The viaduct was to lead from the new Macomb's Road to the Concourse. Mr. Fitch based his adverse report on the ground that the viaduct would cost about a million dollars, which was too much. President King, of the Park Board, said that he was not prepared to vote for the viaduct either until he had made a closer examination of it. The matter was then made a special order of business for the next meeting of the Board.

A POLICEMAN KILLS HIMSELF

DID MINTON FEAR TO STAND TRIAL?

CHARGES WERE PENDING AGAINST HIM, AND HE BELIEVED A ROUNDSMAN WAS HOUNDING HIM.

Policeman John Minton, of the Leonard-st. station, yesterday morning committed suicide by shooting at his home, No. 414 West Forty-seventh-st. Two reasons for his act are surmised by his relatives and brother policemen. One is that he feared to stand trial before the Police Commissioners on a serious charge. The other is that he believed that he was being hounded by his roundsman.

Minton was twenty-four years old. He was appointed a policeman on March 10 of last year and was previously a bartender. He was unmarried and lived with his brother-in-law, Michael Kelleher. He was on duty yesterday and turned out at 6 o'clock in the morning on the "dog watch." His tour of patrol ended at 8 o'clock.

He then went home to get breakfast and was to have returned to the station to go out on duty again at 1 o'clock in the afternoon. He killed himself just after breakfast. He did not make any mention of any trouble to his family before he killed himself.

Word of his suicide was sent to the West Forty-seventh-st. station and a report of it was at once telegraphed to Police Headquarters. It was learned there that Minton was to stand trial next Thursday. He was found by Roundsman Leonard last Tuesday morning in a saloon at Franklin and Hudson sts., and charges were filed against him at Police Headquarters the following day. The roundsman's complaint against him worried Minton, and he was noticed to be in a despondent mood yesterday morning while on duty. It is believed that he dreaded to face the rebuke he would certainly receive from the Police Commissioner who would try his case. He had been on trial several times before. When answering a charge before one of the Commissioners recently he publicly charged that he was being hounded by his roundsman and that he believed an effort was being made to get him out of his place.

FOR IMPROVEMENT IN BRIDGE TRANSIT.

J. SEAVER PAGE'S TRIP TO PITTSBURG TO INVESTIGATE ELECTRIC APPLIANCES.

J. Seaver Page, who was recently chosen a member of the Board of Trustees of the Brooklyn Bridge, has gone to Pittsburg on a mission that is of interest to all who use the Bridge cars as a means of transit. Mr. Page is one of the most recently elected members of the Board, yet he seems to have brought an amount of energy and tact with him that will be of great benefit to all. Mr. Page recently introduced a resolution in the new Board of Trustees which suggested a careful study of the advisability of introducing electric power as a means of propelling the cars across the Bridge. The difficulties now encountered owing to the slow-moving cars seem to be realized by Mr. Page, and he is doing all in his power to secure some relief. As the resolution was favorably received, Mr. Page decided to act at once. Accompanied by Superintendent Martin, he started for Pittsburg Thursday night. His visit is with a view of examining the electrical plant of the Westinghouse Company, who feel that they have already solved the problem of electric motors such as may be needed for the Bridge. Mr. Page has great hopes that he will find in his search a solution of the problem that has bothered the Bridge Trustees to a great extent. When he makes his report it will doubtless advise some action looking to an improvement of the motive power now being used on the Bridge.

JOHN R. TAIT OUT OF THE HOSPITAL.

RELEASED IN THE CUSTODY OF HIS FRIENDS—HIS BAIL REDUCED.

John R. Tait, of Mount Kisco, the alleged defaulting paying teller of the Chemical National Bank, at No. 270 Broadway, who a few months ago was adjudged insane and was committed to the Elizabeth Hospital for Insane Criminals at Washington, was yesterday discharged from the hospital and turned over to the custody of the United States Marshal for the District of Columbia. The doctors who had examined Tait here had made affidavit that he was suffering from confusional insanity and dementia, but not from paresis. The doctors in the Government hospital where Tait was confined agreed with the diagnosis of the doctors here and decided that Tait would be better cared for and be more likely to recover if turned over to the charge of his friends.

Tait was brought to this city from Washington yesterday by United States Marshal Ball. He was taken before Judge Lacombe in Chambers and was released in $3,000 bail. Tait's bail was formerly $10,000. If he recovers he will have to stand trial for the alleged embezzlement of $15,000 of the bank's funds for which he was indicted by the Federal Grand Jury in December last.

Tait left the city for Mount Kisco in care of his bondsmen, Peter McCormick and William J. Halstead.

STREETS TO BE PAVED WITH ASPHALT.

$238,200 TO PAY FOR IT IN SEVENTEEN THOROUGHFARES—WORK IN UPPER FIFTH-AVE.

The Board of Estimate was informed by President King, of the Park Board, yesterday that the paving of Fifth-ave. from Ninetieth to One-hundred-and-tenth sts. with asphalt would not cost more than $50,000. The sum of $80,000 had been appropriated from the one-million-dollar appropriation of January, 1891. Mr. King proposed to use the remaining $30,000 for finishing the asphalting of the walks in Central Park and Tompkins, Stuyvesant, Washington and City Hall parks. The Board agreed to this.

The sum of $20,000 was allowed to Commissioner Brookfield by transfer for sprinkling the streets, and $11,320 83 was granted to the Health Board for the Street Cleaning Department to pay drivers and stablemen for the week ending September 26.

Commissioner Brookfield was authorized to pave parts of seventeen streets with asphalt with the present stone block foundation, 59,566 yards, to cost $238,200. The streets are: Sixty-eighth, Columbus to Amsterdam ave.; Sixteenth, Third to Fourth ave. and Broadway to Fifth-ave.; Thirty-second, First to Madison ave.; Eighty-seventh, First to Second ave.; Thirty-ninth, Madison to Fifth ave.; Forty-third, Fifth-ave. to Central Railroad tracks; Forty-fourth, Madison to Fifth ave.; Seventy-second, Second-ave. to Avenue A; Twentieth, First to Third ave.; Seventy-first, Eighth-ave. to Boulevard; West Avenue A, Fifty-seventh to Fifty-ninth st.; West Fourth, Macdougal-st. to Broadway; Waverley Place, Fifth-ave. to Broadway; Mercer, West Fourth to Eighth st.; University Place, Waverley Place to West Fourth-st., and Washington Place, West Broadway to University Place.

SALE OF A STOCK EXCHANGE SEAT.

JOSEPH MARIÉ, WHO OWNED IT, WAS THE SIXTH OLDEST MEMBER.

The Stock Exchange seat of Joseph Marié was sold yesterday. Mr. Marié was the sixth oldest member of the Exchange, the other five, in order, being William Alexander Smith, John O'Brien, James H. Stebbins, Edward Brandon and James B. Colgate.

Mr. Marié was once wealthy, but he went into the Street to speculate, and did not follow the example of his brother, Peter Marié, who put his money into real estate. He was known in his prime as the best-dressed man in the Street, and now, in his rounds to brokers' offices, he preserves much of the elegance of dress of his palmier days. He has always been popular among members of the Exchange, and is familiarly known as "Uncle Joe."

ITALIAN COUNTERFEITERS CAUGHT.

A RAID BY SECRET SERVICE AGENTS ON A STANTON-ST. BARBER SHOP.

Six Italians were arraigned before United States Commissioner Alexander yesterday, charged with having sold and having in their possession a number of counterfeit standard silver dollars and silver certificates.

The counterfeit coin and bills are of excellent workmanship. The bills are of the same make as the ones which were freely circulated in this city in 1893, and their circulation has recently begun again on the East Side.

The prisoners are Angelo Posteri, Joseph Carlise, Charles Carlise, Joseph Castelli, Santo Lazaro and Salvatore Macchione. Macchione, Castelli and Santo Lazaro were arrested in Avenue C, between Eighth and Ninth sts.; Charles Carlise and Joseph Carlise at No. 229 Stanton-st., where they had a barber-shop, and Posteri was arrested in Elizabeth-st., between Houston and Prince sts. The arrests were made at different times during Thursday and Friday by Secret Service agents, under the direction of Chief Hazen.

The officers recovered $150 in counterfeit coin and $75 in five-dollar bills, and a quantity of plaster of paris, metal and other material used in making spurious money. The seizure was made at No. 229 Stanton-st., in the barber-shop of the two Carlises, who are supposed to be the wholesale dealers who sold the bad money to trusted agents for from 35 to 40 cents on the dollar.

Lazaro, Macchione and Castelli were each held in $8,000 bail, and Posteri and Charles and Joseph Carlise in $5,000 bail each, for examination on October 19.

THE COURTS.

A CASE OF IMPORTANCE TO BREWERS.

JUDGE PRYOR'S RULING THAT A LICENSE IS NOT ASSIGNABLE—AN APPEAL TO BE TAKEN.

Louis Marshall, counsel for Welz & Zerwick, Brooklyn brewers, made an application yesterday to Judge Pryor in the Special Term of the Court of Common Pleas to resettle the order made by Judge Pryor last week, in which he held that a saloon license is not personal property, but is merely a personal privilege and not assignable.

The facts in the case in which the original order was made by Judge Pryor were that Jacob Fliegman, proprietor of Walhalla Hall, gave a mortgage covering the saloon and license in May, 1894, to Welz & Zerwick. Afterward Fliegman formed a copartnership with Moses Finkelstone, and the new firm ratified the mortgage. Finkelstone died on April 7, and Julius Lehmann, a lawyer, was made receiver to wind up the affairs of the firm. Judge Pryor was asked by Mr. Lehmann to determine whether the assignment of a license transferred the license, and he then made the ruling in question. He said:

"A license to sell liquor is a mere temporary permit, and is not property in a legal or constitutional sense. A license is a formal privilege, and is not assignable. It results that the license does not pass to the brewers."

Mr. Lehmann told Judge Pryor that he could sell the license, and an order was signed reciting the opinion, but giving Mr. Lehmann permission to sell the license if he could.

This was the order that Mr. Marshall yesterday asked Judge Pryor to resettle and modify. He took exception to the part of the order that gave Mr. Lehmann permission to sell the license, and said: "Your Honor has held that the license did not pass to the brewers and is not personal property, and yet you give the receiver permission to sell the license."

"If the receiver can find any one fool enough to buy the license, he can sell it," said Judge Pryor, who added: "I won't adjudicate that the receiver has any title. He has in his possession a paper, and can dispose of it if any one will buy it. It is not property."

"But, Your Honor," said Mr. Marshall, "Judges Bischoff and Giegerich have decided that a license is property, and transferrible."

"That is where judges differ," said Judge Pryor.

Mr. Bronner, of Hahn, Meyer & Bronner, who appeared for Mr. Lehmann, and whose firm is counsel for many brewers, did not say much. He and Mr. Marshall declared that vast interests were involved, and finally Mr. Marshall said that he was going to make a test case and appeal it.

Judge Pryor gave the lawyers permission to agree upon a state of facts based upon his order, upon which an appeal will be taken. The Judge said that he was as desirous as any one to have the Court of Appeals pass upon the question.

MORE TESTIMONY IN THE TRENHOLM CASE.

The hearing in the supplementary proceedings instituted by Mrs. Catherine D. Lynch against Mrs. Alice Hood Trenholm, who was formerly an actress in Daly's company, was resumed in the office of C. A. R. Pratt, No. 111 Broadway, yesterday. Her husband, William Trenholm, a son of ex-United States Controller William L. Trenholm, was examined at considerable length, and told the same story that his wife did about her giving him all her jewelry last spring. He said that he turned over the jewelry to Russell Landale, who was appointed receiver for his estate by the City Court in October, 1894. He also testified that the furniture in his apartment at the Rockingham was all owned by him, except a crayon portrait of his wife and three glass bottles which his wife owned.

H. A. Heyn served an order issued by Judge Fitzsimons of the City Court, on Mr. Landale, enjoining him from making any disposition of Mrs. Trenholm's jewelry pending the determination of the supplementary proceedings. The hearing was adjourned until Tuesday afternoon at 2 o'clock, at the same place.

BETTINA GERARD'S DIVORCE SUIT.

Bettina Gerard, the actress, originally Bettina Ordway, the daughter of General Ordway, who has been variously known by the names of Padelford, Williams, etc., was in the Superior Court yesterday to push her action for absolute divorce from her latest husband, Harrison Wolfe Williams. They were married on September 18, 1893, and separated three days after the wedding. She began her action on October 26, 1893. Both she and Mr. Williams testified yesterday, the latter practically admitting her charges against him. As the case could not rest on the evidence of the defendant, it was adjourned by Judge Dugro for further evidence.

COURT CALENDARS FOR TO-DAY.

Supreme Court—Chambers—Before Barrett, J.—Court opens at 10:30 a. m. Motions.

Superior Court—General Term—Before Freedman, P. J., McAdam and Gildersleeve, JJ.—Motions. Nos. 1, 2. Appeals from orders: Nos. 1, 2, 3, 4, 5.

Superior Court—Trial Term—Clerk's calendar called in Part I at 10:30 a. m.

Surrogate's Court—Chambers—Before Arnold, S.—Court opens at 10:30 a. m. No day calendar. Wills for probate: Sarah Granahan, Anthony Rosenfeld, at 10:30 a. m.

City Court—Special Term—Before Fitzsimons, J.—Court opens at 11 a. m. Motions.

REFEREES APPOINTED.

Supreme Court.
By Barrett, J.

Martin vs. Walsh—William H. Willis.
Siebert vs. Lindner—Frank W. Arnold.
Mayer vs. Sullivan—James A. Lamb.
Brown vs. Brown—S. L. H. Ward.
Kaufman vs. Mondolfo—James D. Hewett.

Common Pleas.
By Pryor, J.

Matter of Dessau—Joseph Kohler.
Schuster vs. Von Ellert—James W. Hawes.

Superior Court.
By Dugro, J.

Shaw vs. Crawford—Charles H. Truax.

RECEIVER APPOINTED.

Common Pleas.
By Pryor, J.

Harry W. Bell vs. John L. Blom—Mitchell Levy.

MR. TAINTOR DID NOT COMMIT SUICIDE.

THE CORONER'S JURY FINDS THAT HE DIED FROM NATURAL CAUSES.

An inquest was held yesterday morning in the case of Charles E. Taintor, who was found dead in the bathroom of his house, No. 11 West Eleventh-st., on the night of September 22. From the fact that the gas jets had been turned on it was at once assumed that he had committed suicide, but the evidence produced before the Coroner yesterday morning shows that impression to have been entirely erroneous. The autopsy showed dilation of the valves of the heart and fatty degeneration to an extent sufficient to account for the death.

Mr. Partridge, of No. 19 Fifth-ave., Mr. Taintor's family physician, testified that he had been familiar with the condition of Mr. Taintor's health for some time, and that from what he knew he would have been willing to give a certificate of death from heart disease had he been found dead in his bed, even without the autopsy, and that the appearance of the heart after death only confirmed his previous opinion.

It was further shown that Mr. Taintor was happy in his domestic relations, and entirely free from any financial embarrassments, and that he was on the point of closing a successful operation in real estate from which he would have reaped a large profit.

The gas stopcocks in the bathroom were loose, turning readily, and it appeared probable that Mr. Taintor was about to light the gas when he was suddenly seized with faintness and fell to the floor. The Coroner's jury, without leaving their seats, rendered a verdict of death from natural causes, accelerated by accidental inhalation of illuminating gas.

HOW IT HAPPENED
that this bicyclist came in first in the last distance race.—(Fliegende Blaetter.

THE COTTON MARKET EASIER.

NEWS THAT BROUGHT COMFORT TO BULLS AND BEARS—A BOOM AT FALL RIVER.

After the dizzy rise of the previous day quotations were lower on the Cotton Exchange yesterday and the fluctuations such as delight the scalpers. The close was 6 to 8 points below Tuesday. January closed at 9.04. The news of the day was mixed, and brought comfort to both sides. Liverpool was lower, because it was said there were signs of a collapse in the Kaffir boom in mining stocks. Manchester spinners bought only 10,000 bales of cotton, and the Neills, it was said, denied any intention of issuing an early circular estimating the yield at 6,750,000. The movement of the new crop into sight was very heavy—310,000 bales, against 318,000 last year. Interior receipts were 179,751, against 189,918 last year. Port receipts were 40,000, against 44,000 last year.

All of these points made excellent ammunition for the bears. On the other hand, their ancient antagonists, the bulls, said the movement was not large when the great price and the fine weather for gathering and marketing the crop were considered. They said the country was getting accustomed to 9-cent cotton. Advices from Fall River said the market there was strong at 1-16c. advance for print cloths to 3¼ cents, with more buyers than sellers and very heavy orders in. Unfavorable crop reports continued to pour in. In Mississippi a combination of merchants formed to keep up the price of bagging had fallen to pieces owing to the lack of demand from the farmers. The Bureau report of the 10th, expected to be the worst on record, still hangs over the market. A telegram from New-Orleans quoted Henry Neill as saying that his firm will issue no circular at present, but he reiterates his assertion that the crop has seriously deteriorated since their last circular of September 25. A report from Memphis said that Hill, Fontaine & Co., cotton factors of that city, are expected to issue a very bullish circular to-day.

Storm signals were up along the Gulf Coast, and a tropical hurricane was reported at Yucatan, with its course uncertain. These dispatches among others were received on the Cotton Exchange:

New-Orleans, Oct. 4.—Bet $2,500 against $10,000 that the crop is under 6,000,000 bales.

Monroe North, La., Oct. 4.—The crop here is worse even than in Texas. Worms have stripped the plant of all foliage.

Burkeville, Tex., Oct. 4.—Worms have destroyed the late cotton and dry weather the top crop. Yield half of an average crop.

Leesville, Tex., Oct. 4.—Cotton four-fifths gathered and two-thirds sold.

Tensas Parish, Oct. 4.—This and contiguous sections becoming daily worse.

New-Orleans, Oct. 4.—Considering the high prices and the remarkable weather for marketing the crop compared with last year the movement is light. England may send sensational cables, but cannot increase the crop.

Bryan, Tex., Oct. 4.—Rains have set in and are doing damage.

New-Orleans, Oct. 4.—A New-Waverly, Tex., special says that according to ginners reports the crop is 75 per cent short. Senator George's son writes from Greenwood, Miss., the more the cotton is picked the shorter the crop shows.

Bastrop, Tex., Oct. 4.—All our planters sold half their crop. As soon as this cotton has come in receipts will be so light the most sceptical will find something to wonder at.

SHE WAS CRUEL TO AN ADOPTED CHILD.

MRS. JOHN CHARLES, THE WIFE OF A COMMISSION MERCHANT, SENT TO PRISON FOR TWO MONTHS.

Mrs. May Charles, the wife of John Charles, a commission merchant, was sent to the City Prison for two months by the Court of Special Sessions yesterday morning. Mrs. Charles was charged with cruelly beating and bruising her eight-year-old adopted daughter, May Ethel. The evidence brought out tended to show that the child was not only cuffed, kicked and whipped until she was a mass of bruises, but she was also burned with hot irons. The cruelty was committed about three weeks ago. Mrs. Charles is a second wife. The child was adopted by the first wife, and this was supposed to be the cause of the ill-feeling toward the girl.

In court yesterday was an imposing array of counsel for the woman, headed by ex-Assistant United States District-Attorney Wilbur. There was also a group of physicians, who testified as to Mrs. Charles's health. Several of these filed affidavits, saying that Mrs. Charles had undergone an operation, and that she would die if she was incarcerated.

Commodore Gerry was in court, and insisted that the woman's condition was not as serious as had been represented. He produced an affidavit signed by Dr. J. Clifton Edgar, his family physician, who swore that in his opinion the woman would not be injured by being placed in prison.

Justice Hinsdale, who was presiding, sentenced the woman to two months in the City Prison. Mrs. Charles is about thirty years old. She was well dressed in black silk.

"I cannot see," said Justice Hinsdale, "why this woman should be entitled to immunity from punishment. It is amazing that a woman of her class would commit such an act as this. It was proved that the cruelty was perpetrated, and I cannot see why she should escape punishment."

SHOT HIS WIFE AND KILLED HIMSELF.

THE WOMAN NOT SERIOUSLY HURT—CRIME IN A TWENTY-SIXTH-ST. TENEMENT-HOUSE.

Albert Wittcinsky, employed by a Twenty-third-st. shoemaker, yesterday shot his wife and then committed suicide in her home, on the top floor of the tenement-house No. 341 West Twenty-sixth-st. One bullet took effect in the woman's left knee, and she is not seriously hurt. She had left her husband about six months ago because of his cruel treatment. Yesterday he went to the room, where she lived with a young grandson, and tried to persuade her to return to him. Upon her refusal he shot her, and when she, being only slightly wounded, ran to alarm the neighbors, he turned the revolver and killed himself. He had frequently threatened to kill her. The woman is seventy years old, and her husband was several years older.

PRICES IN THE MARKETS.

NEARING THE END OF THE PEACH SEASON—HIGHER COST OF LIVING THE RULE.

With the ending of the first week in October comes near the ending of the peach crop, and soon the fruit vender who rolls his truck over cobblestones, ever keeping an eye on the coming cash or policeman, will have little else to sell than apples, grapes and bananas. There is not a Delaware peach in the market, and Jerseys are selling at $1 50 to $1 75 a basket. The California peaches are selling at $1 25 to $1 50 a box. Sheldon pears were quoted yesterday at 25 to 35 cents a dozen, and the Beurre Hardy, a California pear, at from 40 to 60 cents a dozen. Seckle pears brought 10 cents a quart, plums 60 cents a basket, Johnston apples 20 to 30 cents a quart and King apples from 25 to 40 cents. Niagara and Delaware grapes brought 25 cents a box and Tokays sold at 50 to 60 cents a box. Oranges are poor and are selling at 40 cents a dozen.

Eggs have gone up in price to 21 cents a dozen; Elgin butter is 25 cents a pound; fine creamery 23 cents, and Philadelphia print 30 cents.

In the vegetable market the housewife will find that she will have to pay more this week than she did even a week ago for those little adjuncts that make a meal enjoyable. Celery costs from 25 to 75 cents a bunch, cauliflower 15 to 25 cents a head, chicory 3 cents a head, carrots 25 cents a bunch, rhubarb—just come into the market—5 cents a bunch, beets 2 cents a bunch, white turnips 5 cents a bunch, oyster plant 10 cents a bunch, escarole 5 cents a head, radishes 3 cents a bunch, tomatoes $1 25 a crate, sweet potatoes 50 cents a peck, Lima and string beans the same price, spinach 40 cents a peck, onions 40 cents a peck, parsnips 4 cents a bunch, Boston lettuce 50 cents a dozen, cranberries 15 cents a quart, brussel sprouts 15 cents a quart.

The poultry market is always a fluctuating one, but the following were the prices yesterday: Philadelphia chickens, 20 cents a pound; Long Island chickens, 18 cents; turkeys, 16 cents; fowl, 14 cents; goose, 20 cents; ducks, 18 cents; woodcock, $1 25 a pair; partridge, $1 50 a pair; quail, $3 50 a dozen; prairie chickens, $1 50 a pair.

The fish market showed an advance of prices all along the line. The following shows the cost a pound of the leading varieties in cents: Large bass, 25; black bass, 18; medium bluefish, 12½; large blackfish, 10; butterfish, 12½; frozen ciscoes, 6; market codfish, 12; Lafayettes, 15; large eels, 18; small flounders, 8; large, 10; flukes, 10; large fresh mackerel, each 30; haddock, 8; chicken halibut, 18; Long Island kingfish, 40; large lobster, 16; pompano, 30; small porgies, 10; large red snapper, 15; Western salmon, 30; Spanish mackerel, 35; sheepshead, 25; large smelts, 25; small sea bass, 12; large sea bass, 15; skate, 8; fresh-caught salmon trout, 14; small weakfish, 10; whitebait, 25; large white perch, 18; whitefish 20; cod tongues, 25; crab meat, 40; crawfish $3 50 a hundred; frog's legs, 50; prawns, 50; scallops, 50, large soft crabs, $1 a dozen; green turtle, 16, and the greatest treat of all is a small consignment of Cape Cod oysters, which are being gobbled up at $1 a hundred.

IT PLEASES LAWYERS.

EFFECT OF THE NEW ORDER OF THE COMMISSIONER OF PATENTS.

SOME AUTHORITIES THINK THAT THE SHORTENING OF THE "PERIOD OF DELAY" IS A GOOD THING, BUT THAT ACTION BY CONGRESS IS NECESSARY TO MAKE IT LEGAL.

The interest of inventors and patent lawyers in the new rule shortening the period of delay, promulgated by Commissioner Seymour, of the Patent Office at Washington, becomes more acute every day as the date of its enforcement, October 15, approaches. In explaining the matter to a Tribune reporter recently, A. Parker Smith, patent lawyer, of No. 261 Broadway, said:

"The facts in the case are these: Section No. 4,894 of the Revised Statutes, relating to patents, reads as follows:

"All applications for patents shall be completed and prepared for examination within two years after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

"The Patent Office has always construed this statute heretofore as giving the inventor two years in which to consider any rejection of his application for a patent before amending the same or appealing from the decision of the examiner to the Board of Appeals. In the majority of cases the inventor is anxious to get his patent and acts with promptness in the effort to push it through after each adverse ruling of the Patent Office upon it. In some cases, however, as in that of the famous Berliner patent, the owners of that and of other patents already covering the invention in a different way have been interested in prolonging its pendency in the Patent Office so as to delay the issuance of the second patent, and so prolong their monopoly. Thus the Bell patent, which covered the transmission of speech by an undulatory electric current, ran its seventeen years and expired in 1893. The Bell Company, owning the Berliner application, which covered broadly the production of this undulatory current by a variable resistance in the transmitter, and which is the only practical, commercial method for operating large exchanges, delayed the issuance of the patent to Berliner until about the time the Bell patent expired, so that they practically secured a thirty-four-year monopoly of the telephone business, instead of seventeen years, if the Berliner patent is sustained. This practice of permitting a delay of two years for each step in the controversy which always arises between the applicant for a broad patent and the Patent Office cut a large figure in the delay in this and other similar cases.

FIRST DECLARED INVALID.

"When the Berliner patent was issued it was attacked by the Attorney-General of the United States on the ground that this delay was a violation of the spirit of the law, and of the equities of the question, and Judge Carpenter declared the patent invalid on that ground. The Court of Appeals for the First District has since reversed Judge Carpenter's decision on this point, and the matter has gone up to the Supreme Court of the United States. Commissioner Seymour, however, acting on the authority of Judge Carpenter's decision, assumed that he had the right to shorten the limit of delay from two years to six months, and issued the following amended rules of practice for the office:

"No. 63. An applicant will be considered to persist in his claim for a patent without altering his specification in case he failed to act in prosecution of the same for six months after the office action thereon, and thereupon the examiner will make a re-examination of the case.

"No. 134. In appealable cases in which no limit of appeal is fixed, no appeal will be entertained by any tribunal in the office unless taken within six months from the action which puts the case in condition for appeal, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

"No. 68. In every case pending before the office more than five years, in which the record raises the presumption that there have been intentional delays in prosecution, the examiner may require the applicant to show cause why the case was not more rapidly prosecuted, and at the hearing thereon, or upon failure of the applicant to appear, the examiner will determine, under all the circumstances of the case, whether there have been intentional and unreasonable delays in prosecution, and upon finding the fact to be so, he will reject the case for that reason.

WHEN THE RULES WENT INTO EFFECT.

"The foregoing rules went into effect on April 15, 1895, and the six months' period will expire on October 15, and all applications which have not been acted on by the applicant in the way of amendment or appeal during the intervening period will be taken up and finally rejected as of the latter date. It will be seen that this cuts down the period of delay for each action from two years to six months and throws an added difficulty in the path of an applicant, who, however prompt and vigorous his prosecution of his case may have been, is unable to get his patent out of the office within a total period of five years after filing his application. It frequently occurs in the case of important inventions that vexatious contests arise in the Patent Office between two or more applicants for patents on substantially the same thing. These interferences require the taking of voluminous testimony and arguments on appeals before three or four different tribunals. These contests sometimes exceed five years in length, and the rule will apply harshly unless enforced with great delicacy in such cases.

"It is a great question whether in some of its applications the rule does not conflict with the statute which I have cited above, and this question will probably be taken to the courts in a test case as promptly as possible. While looking at the matter generally, it might seem that the rule was a good one on the broad question of equity, it is evident that it will operate only against patents for important inventions, as unimportant applications are usually put through with a reasonable degree of promptness, the applicant accepting the examiner's rejections and requirements, and being satisfied with any kind of a patent. Wherever much is at stake, however, the contest is likely to be a long one, and it is in these cases that the rule will come into play."

AN EX-COMMISSIONER'S VIEW.

Among other patent lawyers seen was ex-Patent Commissioner Charles E. Mitchell. He said: "I think that the six months' limit will be very beneficial to the public, and in no way prejudicial to inventors, as experience shows that six months is ample time to enable all necessary amendments and actions to be taken. There is a difference of opinion as to whether it is in the lawful power of the Commissioner to make such a rule. Several former Commissioners have considered the subject, realizing the necessity of a reform in that regard, and have declined to adopt any such rule because they believed that action by Congress was necessary in view of Section No. 4,894 of the Revised Statutes, which has been construed to allow an inventor two years in which to take action after adverse action by the Patent Office. The question as to whether the action of the Commissioner was wise or not is a very delicate one, but the better opinion is that the present Commissioner has done a wise thing in causing the new rule to be adopted, so that the courts may have an opportunity to pass upon its validity. It should be said that the Patent Committee of the American Bar Association recommended to that body an amendment to the statutes by Congress action, having the same object in view, and that the Bar Association, at its recent meeting in Detroit, approved the same."

Samuel R. Betts, of the firm of Betts, Hyde & Betts, No. 120 Broadway, said: "The only difference the new rule will make is to enforce speedier action on the part of inventors. It was made by the Commissioner, I believe, to prevent an abuse that has been perpetrated many times in the past by inventors in keeping an action before the courts many years by presenting amendments. On the whole the new rule is a good move, as it will expedite matters in the Patent Office both for inventors and others."

Thomas B. Kerr, of Kerr & Curtis, attorneys for the Westinghouse Company, was seen at his office, No. 120 Broadway. He said: "The new rule making a time limit of six months is a good thing for inventors in that it prevents undue delays in the Patent Office, which, under the old limit, might be worked to the disadvantage of both public and inventor. I believe, as my own personal opinion, that the action of the Commissioner is not inconsistent with the patent statutes, and I thoroughly believe that his action should be upheld. There is clear warrant for doing so."

Daniel H. Driscoll, of the firm of Dyer & Driscoll, patent attorneys for Thomas A. Edison, was seen at his office, No. 36 Wall-st. In discussing the question, he said: "I think that the new rule is a good thing. I believe that the Commissioner's action in making the rule was contrary to the law as it stands. He did it by stretching his authority. I do not believe that the law gives the Commissioner authority to override the two-year limitation. And yet the Commissioner's action was decidedly in the right direction. We have taken out all of Mr. Edison's patents for the last fifteen years and ought to know. The old two-year limitation was all right when we had no steam or telegraph communication with other parts of the country, but it is too long now. I doubt if any question in regard to the Commissioner's action is ever raised in court. I think that Congress will pass a law on the subject before the courts take the matter up."

F. P. Fish, counsel for the General Electric Company, was seen at his office, No. 80 Broadway. He said: "The two years' rule fixed by statute is an absurd one. There is no reason or excuse for any such delay, and any revision of the statutes tending to shorten the time should be commended. I question the Commissioner's lawful power to shorten the time by rule, but, personally, I am glad that the Commissioner felt that he had that power. If the new rule is wrong, it will soon be found out, and no harm will be done; but if right, he has alone accomplished what the majority of patent lawyers have long hoped to see accomplished by legislation."